

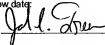
CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: December 15, 2009

Name: John C. Freeman, Esq.

Signature:



PATENT
CASE NO. 12212/39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
)
Raymond I. Myers)
) Group Art Unit: 3769
U.S. Patent Application)
Serial No.: 10/750,789)
)
Filed: January 2, 2004)
) Examiner: David M. Shay
)
For: LENTICULAR REFRACTIVE) Confirmation No. 1486
SURGERY OF PRESBYOPIA,)
OTHER REFRACTIVE ERRORS,)
AND CATARACT RETARDATION)

RESPONSE TO REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


On May 4, 2009, a Notice of Allowance was mailed regarding the above mentioned patent application. On August 4, 2009, a Request for Continued Examination (RCE) was filed. The RCE included a request by Applicant for a suspension of action for three months for the above mentioned patent application under 37 C.F.R. § 1.103(c). A decision regarding the request has not been received.

On October 13, 2009, a second Notice of Allowance was mailed. Since the second Notice of Allowance was mailed during the period of time which Applicant requested suspension of prosecution,

On October 13, 2009, a second Notice of Allowance was mailed. Since the second Notice of Allowance was mailed during the period of time which Applicant requested suspension of prosecution, the undersigned contacted Examiner Shay on December 8, 2009 to determine whether the mailing of the second Notice of Allowance was premature. It was agreed that since Applicant's request was not granted, prosecution was not suspended and so the mailing of the second Notice of Allowance was proper.

Since the mailing of the second Notice of Allowance was proper, it is noted that the Examiner has provided a reason for allowance of the claims. Applicant traverses the reason to the extent that there may be broader and/or other reasons why the claims are patentable. In addition, Applicant does not wish the scope of the claims to be unnecessarily narrowed by the Examiner's statement regarding the definition and size of the recited "microspheres." In addition, Applicant does not necessarily agree with the characterization of the references made by the Examiner.

Respectfully submitted,



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Date: December 15, 2009

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